IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

RPFC.No. 261 of 2007()

AGAINST THE ORDER DATED 25/05/2007 IN CMP.NO.672/2005 IN MC.492/1994 of THE FAMILY COURT, KOZHIKODE

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REVISION PETITIONER/RESPONDENT

K.PARUKUTTY, S/O.K.CHANDUKUTTY,
KINAR HOUSE, P.O.MALAYAMMA, REC KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: PETITIONERS

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1. V.M.VANAJA, D/O.V.M.KRISHNAN,
THOOMPATTA HOUSE, P.O.KONOTT,
VIA.KUNNAMANGALAM, KOZHIKODE.

2. RESMI, D/O.RAUKUTTY,
(MINOR).

3. REMYA, D/O.RARUKUTTY, (MINOR),
(2ND AND 3RD RESPONDENTS ARE MINORS REP.
BY 1ST RESPONDENT).

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 26-06-2007, THE COURT ON 03-07-2007 PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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R.P.(FC) NO. 261 of 2007

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Dated, this the 3rd day of July 2007

ORDER

The petitioner herein who is the husband of the first respondent and father of minor respondents 2 and 3 herein was the counter petitioner in C.M.P. 762 of 2005 in M.C. 492 of 1994 on the file of the Family Court, Kozhikode.

2. M.C. 492 of 1994 was filed by respondents 1 to 3 herein claiming maintenance under Sec. 125 Cr.P.C. The marriage between the first respondent and the petitioner herein was on 12-11-1989 and respondents 2 and 3 herein were born in that wedlock. On 21-6-1997, M.C. 492 of 1994 was disposed of by the Family Court ordering maintenance to the first respondent herein at the rate of Rs. 400/- per month and respondents 2 and 3 herein at the rate of Rs. 300/- each per month. C.M.P. 672/2005 was filed by the respondents herein claiming enhancement alleging change of circumstances and C.M.P. 1302 of 2005 was filed by the petitioner herein for reduction of the maintenance originally granted. Both the said petitions were jointly tried and disposed of by the impugned order as per which C.M.P 1302/05 was dismissed and C.M.P. 672/05 was allowed fixing the total monthly maintenance payable to the first respondent at Rs. 750/- and respondents 2 and 3 at Rs. 500/- each. It is the order passed in C.M.P. 672 of 2005 which is assailed in this revision petition.

3. The learned counsel appearing for the revision petitioner re-iterated his contentions. The Judge of the Family Court has given valid reasons for allowing the enhancement. The revision petitioner had suppressed his ownership over one item of immovable property fetching income and a shop therein. The trial judge had also considered the present demand on the two minor children who had started going to High School. It was considering all the relevant aspects of the matter that the trial judge enhanced the maintenance by Rs. 350/- in the case of the first respondent and Rs. 200/- in the case of respondents 2 and 3. The enhanced liability of the revision petitioner under the impugned order is only Rs. 750/- per month. The said conclusion was reached after considering the oral and documentary evidence in the case. I do not find any illegality, irregularity, impropriety or jurisdictional error in the order passed by the trial judge.

This Revision is accordingly dismissed in limine.

V. RAMKUMAR,
(JUDGE)

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